

RECEIVED
CENTRAL FAX CENTER

Nalco Docket No.: 7560-NES
Customer No. 000049459

AUG 18 2006

TO EXAMINER DANIEL S. METZMAIER
FAX. NO.: (571) 273-8300

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8(a)

I hereby certify that this correspondence of 2 pages is being transmitted by facsimile to the Patent & Trademark Office by the undersigned person on the date shown below.

Jean Rose 8/18/06

In the United States Patent and Trademark Office

Applicant:	Duane S. Treybig et al.)	Examiner:	Daniel S. Metzmaier
)		
Serial No.:	10/034,661)	Group Art Unit:	1712
)		
Date Filed:	December 20, 2001)	Terminal Disclaimer	

For: NOVEL DEMULSIFIERS, THEIR PREPARATION AND USE IN OIL BEARING FORMATIONS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a Terminal Disclaimer relating to the above-identified patent application.

Please charge the \$130.00 fee to our Deposit Account No. 14-0105. The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 14-0105.

Respectfully submitted,

Michael B. Martin
Michael B. Martin, Reg. No. 37,521
Nalco Company
1601 W. Diehl Road
Naperville, IL 60563-1198
(630) 305-1574
Date: 8/18/06

AUG 18 2006

PTO/SB/28 (07-06)

Approved for use through 08/30/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
7560-NES

In re Application of: Duane S. Treybig et al.

Application No.: 10/034,661

Filed: December 20, 2001

For: NOVEL DEMULSIFIERS, THEIR PREPARATION AND USE IN OIL BEARING FORMATIONS

The owner, Nalco Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,569,983 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,521



Signature

August 18, 2006

Date

Michael B. Martin

Typed or printed name

630-305-1574

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/21/2006 AWONDAF1 00000029 140105 10034661 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:1814 130.00 DA